

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
Li Encarnacion, *on behalf of himself and others*  
*similarly situated in the proposed FLSA*  
*Collective Action,*

Case No.: 1:22-cv-06903-JLR

*Plaintiff,*

**FED.R.CIV.P. 68 JUDGMENT**

*- against -*

LJ Delivery, Inc., and Lydia Cosme,

*Defendants.*

-----X  
WHEREAS pursuant Rule 68 of the Federal Rules of Civil Procedure, Defendants LJ Delivery, Inc., and Lydia Cosme (collectively, the “Defendants”), having offered to allow Plaintiff Li Encarnacion (“Plaintiff”) to take a judgment against the Defendants in this action for the total sum of Fifty-Seven Thousand Three Hundred Seventy-Five Dollars and Zero Cents (\$57,375.00), payable as follows:

1. A payment in the amount of twenty-eight thousand six hundred eighty-seven Dollars and Fifty Cents (\$28,687) payable within two (2) months of the entry of a Judgment;
2. A payment in the amount of twenty-eight thousand six hundred eighty-seven Dollars and Fifty Cents (\$28,687) payable within two (2) months of Plaintiff’s receipt of the initial installment payment.

WHEREAS, in the event of Defendants’ failure to make any payment when due as set forth above, the breach shall result in accelerated payment of Eighty-Six Thousand Sixty-Two Dollars and Fifty Cero cents (\$86,062.50), together with all costs and attorneys’ fees incurred by Plaintiff in connection with any efforts to enforce any Judgment, less any payments made by Defendants as set forth herein. Defendants acknowledge and agree that this calls for a judgment in a greater amount than the initial judgment amount as a penalty for an uncured default.

ORDERED, ADJUDGED, AND DECREED, that Plaintiff has judgment in the amount of \$57,375.00 as against Defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that this action is hereby dismissed with prejudice as against Defendants.

Dated: April 13, 2023, 2023  
New York, New York

SO ORDERED:

  
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Hon. Jennifer L. Rochon